

Passed by the House on April 16, 2003: Yeas 114, Nays 29, 1 present, not voting; the House refused to concur in Senate amendments to H.B. No. 7 on May 29, 2003, and requested the appointment of a conference committee to consider the differences between the two houses; the House adopted the conference committee report on H.B. No. 7 on June 1, 2003: Yeas 138, Nays 5, 1 present, not voting; passed subject to the provisions of Article III, Section 49a, of the Constitution of the State of Texas; passed by the Senate, with amendments, on May 27, 2003: Yeas 29, Nays 2; at the request of the House, the Senate appointed a conference committee to consider the differences between the two houses; the Senate adopted the conference committee report on H.B. No. 7 on June 1, 2003: Yeas 24, Nays 7; passed subject to the provisions of Article III, Section 49a, of the Constitution of the State of Texas.

Approved June 21, 2003.

Effective June 21, 2003.

CHAPTER 1312

H.B. No. 9

AN ACT

relating to homeland security.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Subtitle B, Title 4, Government Code, is amended by adding Chapter 421 to read as follows:

CHAPTER 421. HOMELAND SECURITY

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 421.001. **DEFINITIONS.** *In this chapter:*

- (1) "Agency" means any governmental entity.
- (2) "Critical infrastructure" includes all public or private assets, systems, and functions vital to the security, governance, public health and safety, economy, or morale of the state or the nation.
- (3) "Homeland security activity" means any activity related to the prevention or discovery of, response to, or recovery from a terrorist attack, natural or man-made disaster, hostile military or paramilitary action, or extraordinary law enforcement emergency.

Sec. 421.002. **HOMELAND SECURITY STRATEGY.** (a) *The governor shall direct homeland security in this state and shall develop a statewide homeland security strategy that improves the state's ability to:*

- (1) *detect and deter threats to homeland security;*
- (2) *respond to homeland security emergencies; and*
- (3) *recover from homeland security emergencies.*

(b) *The governor's homeland security strategy shall coordinate homeland security activities among and between local, state, and federal agencies and the private sector and must include specific plans for:*

- (1) *intelligence gathering and analysis;*
- (2) *information sharing;*
- (3) *reducing the state's vulnerability to homeland security emergencies;*
- (4) *protecting critical infrastructure;*

- (5) *protecting the state's international border, ports, and airports;*
- (6) *detecting, deterring, and defending against terrorism, including cyber-terrorism and biological, chemical, and nuclear terrorism;*
- (7) *positioning equipment, technology, and personnel to improve the state's ability to respond to a homeland security emergency;*
- (8) *directing the Texas Infrastructure Protection Communications Center and giving the center certain forms of authority to implement the governor's homeland security strategy; and*
- (9) *using technological resources to:*
 - (A) *facilitate the interoperability of government technological resources, including data, networks, and applications;*
 - (B) *coordinate the warning and alert systems of state and local agencies;*
 - (C) *incorporate multidisciplinary approaches to homeland security; and*
 - (D) *improve the security of governmental and private sector information technology and information resources.*
- (c) *The governor's homeland security strategy must complement and operate in coordination with the federal homeland security strategy.*

Sec. 421.003. **CRIMINAL INTELLIGENCE INFORMATION.** *The Department of Public Safety of the State of Texas is:*

- (1) *the repository in this state for the collection of multijurisdictional criminal intelligence information that is about terrorist activities or otherwise related to homeland security activities; and*
- (2) *the state agency that has primary responsibility to analyze and disseminate that information.*

Sec. 421.004. **PROVISIONS GOVERNING MOBILE TRACKING DEVICES.** *In the event of a conflict between Section 14, Article 18.21, Code of Criminal Procedure, and this chapter or a rule adopted under this chapter, Section 14, Article 18.21, Code of Criminal Procedure, controls.*

[Sections 421.005–421.020 reserved for expansion]

SUBCHAPTER B. CRITICAL INFRASTRUCTURE PROTECTION COUNCIL

Sec. 421.021. **MEMBERSHIP.** (a) *The Critical Infrastructure Protection Council is composed of the governor or the governor's designee and one representative of each of the following entities, appointed by the single statewide elected or appointed governing officer or administrative head of the entity:*

- (1) *Department of Agriculture;*
- (2) *office of the attorney general;*
- (3) *General Land Office;*
- (4) *Public Utility Commission of Texas;*
- (5) *Texas Department of Health;*
- (6) *Department of Information Resources;*
- (7) *Department of Public Safety of the State of Texas;*
- (8) *division of emergency management of the office of the governor;*
- (9) *Texas National Guard;*
- (10) *Texas Commission on Environmental Quality;*
- (11) *Railroad Commission of Texas;*
- (12) *Texas Strategic Military Planning Commission; and*
- (13) *Texas Department of Transportation.*

(b) To be eligible for appointment as a member of the council, a person must be directly involved in the policies, programs, or funding activities of the appointing agency, office, or division that are relevant to homeland security or infrastructure protection.

(c) A member of the council serves at the will of the governor. At the request of the governor, an appointing authority under this section shall appoint a different member.

(d) An officer or employee of a state or local agency who serves as a member of the council or a special advisory committee under this subchapter shall perform the duties required by the council or special advisory committee as an additional duty of the member's office or employment.

Sec. 421.022. *REIMBURSEMENT OF EXPENSES.* A member of the council may not receive additional compensation for service on the council but is entitled to reimbursement of reasonable expenses incurred in direct performance of official duties, including travel expenses incurred by the member while conducting the business of the council, subject to any applicable limitation on reimbursement provided by general law or the General Appropriations Act.

Sec. 421.023. *ADMINISTRATION.* (a) The council is an advisory entity administered by the office of the governor.

(b) The governor may adopt rules as necessary for the operation of the council.

(c) The governor shall designate the presiding officer of the council.

(d) The council shall meet at the call of the governor and shall meet at least once each quarter in a calendar year.

(e) The council is not subject to Chapter 2110.

Sec. 421.024. *DUTIES.* The council shall advise the governor on:

(1) the development and coordination of a statewide critical infrastructure protection strategy;

(2) the implementation of the governor's homeland security strategy by state and local agencies and provide specific suggestions for helping those agencies implement the strategy; and

(3) other matters related to the planning, development, coordination, and implementation of initiatives to promote the governor's homeland security strategy.

Sec. 421.025. *SPECIAL ADVISORY COMMITTEES.* (a) The governor may appoint one or more special advisory committees composed of representatives from state or local agencies or nongovernmental entities not represented on the council.

(b) The governor shall determine the number of members and qualifications for membership on a special advisory committee under this section.

(c) A special advisory committee under this section shall assist the council in performing its duties.

(d) A special advisory committee under this section is subject to Chapter 2110, except that Section 2110.002 does not apply.

Sec. 421.026. *REPORT.* The council shall annually submit to the governor a report stating:

(1) the council's progress in developing and coordinating a statewide critical infrastructure protection strategy;

(2) the status and funding of state programs designed to detect and deter homeland security emergencies, including the status and funding of counterterrorism efforts;

(3) recommendations on actions to reduce threats to homeland security, including threats related to terrorism; and

(4) recommendations for improving the alert, response, and recovery capabilities of state and local agencies.

[Sections 421.027–421.060 reserved for expansion]

SUBCHAPTER C. CIVIL LIABILITY FOR ACTS OR OMISSIONS

Sec. 421.061. CIVIL LIABILITY. (a) An officer or employee of a state or local agency performing a homeland security activity or a volunteer performing a homeland security activity at the request or under the direction of an officer or employee of a state or local agency is considered for purposes of Section 431.085 to be a member of the state military forces ordered into active service of the state by proper authority and is considered to be discharging a duty in that capacity if:

(1) the officer, employee, or volunteer is performing the homeland security activity under procedures prescribed or circumstances described for the purpose of this section in the governor's homeland security strategy;

(2) in the case of a volunteer, the volunteer is acting within the course and scope of the request or direction of the officer or employee of the state or local agency; and

(3) in the case of an officer or employee of a state or local agency, the officer or employee is acting within the course and scope of the person's authority.

(b) A person described by Subsection (a) is not immune from civil liability under Section 431.085 for damages resulting from the performance of a homeland security activity if, under the circumstances, the person's performance of the homeland security activity was wilfully or wantonly negligent or done with conscious indifference or reckless disregard for the safety of persons this chapter is intended to protect.

(c) This section does not make a person a member of the state military forces for any other purpose, including for purposes of the application of the Uniform Code of Military Justice.

(d) This section does not affect the application of Section 431.085 on its own terms to a person who is a member of the state military forces ordered into active service of the state by proper authority under other law.

Sec. 421.062. LIABILITY UNDER INTERLOCAL CONTRACT. (a) In this section, "interlocal contract" has the meaning assigned by Section 791.003.

(b) A state or local agency that furnishes a service related to a homeland security activity under an interlocal contract is immune from civil liability for any act or omission resulting in death, damage, or injury while acting under the interlocal contract if:

(1) the interlocal contract expressly states that the furnishing state or local agency is not responsible for any civil liability that arises from the furnishing of a service under the contract; and

(2) the state or local agency committed the act or omission while acting in good faith and in the course and scope of its functions to provide a service related to a homeland security activity.

(c) This section may not be interpreted as a waiver of any immunity that might exist in the absence of an interlocal contract or a provision in an interlocal contract as set forth in Subsection (b).

[Sections 421.063–421.070 reserved for expansion]

SUBCHAPTER D. COOPERATION AND ASSISTANCE; FUNDING

Sec. 421.071. COOPERATION AND ASSISTANCE. A state or local agency that performs a homeland security activity or a nongovernmental entity that contracts with a state or local agency to perform a homeland security activity shall cooperate with and assist the office of the governor, the Critical Infrastructure Protection Council, the Texas Infrastructure Protection Communications Center, and the National Infrastructure Protection Center in the performance of their duties under this chapter and other state or federal law.

Sec. 421.072. FUNDING. (a) The office of the governor shall:

(1) allocate available federal and state grants and other funding related to homeland security to state and local agencies that perform homeland security activities;

(2) periodically review the grants and other funding for appropriateness and compliance; and

(3) designate state administering agencies to administer all grants and other funding to the state related to homeland security.

(b) State and local agencies that perform homeland security activities shall inform the office of the governor about any actions taken relating to requests for revenue, grants, or other funding for homeland security activities or initiatives.

(c) A state or local agency that receives a grant or other funding related to homeland security must provide an annual report to the office of the governor detailing the agency's compliance with the state homeland security strategy.

[Sections 421.073–421.080 reserved for expansion]

SUBCHAPTER E. TEXAS INFRASTRUCTURE PROTECTION COMMUNICATIONS CENTER

Sec. 421.081. FACILITIES AND ADMINISTRATIVE SUPPORT. The Department of Public Safety of the State of Texas shall provide facilities and administrative support for the Texas Infrastructure Protection Communications Center.

Sec. 421.082. POWERS AND DUTIES. (a) The center shall serve as the state's primary entity for the planning, coordination, and integration of government communications capabilities to help implement the governor's homeland security strategy and ensure an effective response in the event of a homeland security emergency.

(b) The center's duties include:

(1) promotion of emergency preparedness;

(2) receipt and analysis of information, assessment of threats, and issuance of public warnings related to homeland security emergencies; and

(3) authorization and facilitation of cooperative efforts related to emergency response and recovery efforts in the event of a homeland security emergency.

(c) In performing its duties under this section, the center shall aim to:

(1) reduce the vulnerability of at-risk or targeted entities to homeland security emergencies; and

(2) prevent or minimize damage, injury, loss of life, and loss of property in the event of a homeland security emergency.

(d) The center shall perform its duties under circumstances prescribed by and as directed by the governor's homeland security strategy.

SECTION 2. Section 418.175(a), Government Code, is amended to read as follows:

(a) Information that relates to physically or mentally disabled individuals or other ~~[medically fragile]~~ individuals with special needs and that is maintained for purposes of emergency management or disaster planning is confidential ~~[and excepted from required disclosure under Chapter 552]~~.

SECTION 3. Subchapter H, Chapter 418, Government Code, is amended by adding Sections 418.176–418.183 to read as follows:

Sec. 418.176. CONFIDENTIALITY OF CERTAIN INFORMATION RELATING TO EMERGENCY RESPONSE PROVIDERS. (a) Information is confidential if the information is collected, assembled, or maintained by or for a governmental entity for the purpose of preventing, detecting, responding to, or investigating an act of terrorism or related criminal activity and:

(1) relates to the staffing requirements of an emergency response provider, including a law enforcement agency, a fire-fighting agency, or an emergency services agency;

(2) relates to a tactical plan of the provider; or

(3) consists of a list or compilation of pager or telephone numbers, including mobile and cellular telephone numbers, of the provider.

(b) In this section and Sections 418.177–418.183, “governmental entity” includes the governing body of a nonprofit corporation organized under Chapter 67, Water Code, that provides a water supply or wastewater service, or both, and is exempt from ad valorem taxation under Section 11.90, Tax Code.

Sec. 418.177. **CONFIDENTIALITY OF CERTAIN INFORMATION RELATING TO RISK OR VULNERABILITY ASSESSMENT.** Information is confidential if the information:

(1) is collected, assembled, or maintained by or for a governmental entity for the purpose of preventing, detecting, or investigating an act of terrorism or related criminal activity; and

(2) relates to an assessment by or for a governmental entity, or an assessment that is maintained by a governmental entity, of the risk or vulnerability of persons or property, including critical infrastructure, to an act of terrorism or related criminal activity.

Sec. 418.178. **CONFIDENTIALITY OF CERTAIN INFORMATION RELATING TO CONSTRUCTION OR ASSEMBLY OF WEAPONS.** (a) In this section, “explosive weapon” has the meaning assigned by Section 46.01, Penal Code.

(b) Information is confidential if it is information collected, assembled, or maintained by or for a governmental entity and:

(1) is more than likely to assist in the construction or assembly of an explosive weapon or a chemical, biological, radiological, or nuclear weapon of mass destruction; or

(2) indicates the specific location of:

(A) a chemical, biological agent, toxin, or radioactive material that is more than likely to be used in the construction or assembly of such a weapon; or

(B) unpublished information relating to a potential vaccine or to a device that detects biological agents or toxins.

Sec. 418.179. **CONFIDENTIALITY OF CERTAIN ENCRYPTION CODES AND SECURITY KEYS FOR COMMUNICATIONS SYSTEM.** (a) Information is confidential if the information:

(1) is collected, assembled, or maintained by or for a governmental entity for the purpose of preventing, detecting, or investigating an act of terrorism or related criminal activity; and

(2) relates to the details of the encryption codes or security keys for a public communications system.

(b) This section does not prohibit a governmental entity from making available, at cost, to bona fide local news media, for the purpose of monitoring emergency communications of public interest, the communications terminals used in the entity’s trunked communications system that have encryption codes installed.

Sec. 418.180. **CONFIDENTIALITY OF CERTAIN INFORMATION PREPARED FOR UNITED STATES.** Information, other than financial information, in the possession of a governmental entity is confidential if the information:

(1) is part of a report to an agency of the United States;

(2) relates to an act of terrorism or related criminal activity; and

(3) is specifically required to be kept confidential:

(A) under Section 552.101 because of a federal statute or regulation;

(B) to participate in a state-federal information sharing agreement; or

(C) to obtain federal funding.

Sec. 418.181. **CONFIDENTIALITY OF CERTAIN INFORMATION RELATING TO CRITICAL INFRASTRUCTURE.** Those documents or portions of documents in the possession of a governmental entity are confidential if they identify the technical details of particular vulnerabilities of critical infrastructure to an act of terrorism.

Sec. 418.182. **CONFIDENTIALITY OF CERTAIN INFORMATION RELATING TO SECURITY SYSTEMS.** (a) Except as provided by Subsections (b) and (c), information,

including access codes and passwords, in the possession of a governmental entity that relates to the specifications, operating procedures, or location of a security system used to protect public or private property from an act of terrorism or related criminal activity is confidential.

(b) Financial information in the possession of a governmental entity that relates to the expenditure of funds by a governmental entity for a security system is public information that is not excepted from required disclosure under Chapter 552.

(c) Information in the possession of a governmental entity that relates to the location of a security camera in a private office at a state agency, including an institution of higher education, as defined by Section 61.003, Education Code, is public information and is not excepted from required disclosure under Chapter 552 unless the security camera:

(1) is located in an individual personal residence for which the state provides security; or

(2) is in use for surveillance in an active criminal investigation.

Sec. 418.183. DISCLOSURE OF CERTAIN CONFIDENTIAL INFORMATION. *(a) This section applies only to information that is confidential under Sections 418.175–418.182.*

(b) At any time during a state of disaster, the executive or administrative head of the governmental entity may voluntarily disclose or otherwise make available all or part of the confidential information to another person or another entity if the executive or administrative head believes that the other person or entity has a legitimate need for the information.

(c) The executive or administrative head of a port, port authority, or navigation district created or operating under Section 52, Article III, or Section 59, Article XVI, Texas Constitution, may voluntarily disclose or otherwise make available all or part of the confidential information to another person if the information:

(1) is shared in connection with a security network or committee, including a federal or state security committee or task force;

(2) consists of data, video, or other information on an information-sharing device that is shared with a security network; or

(3) is shared with an emergency operations center.

(d) The disclosure or making available of confidential information by a hospital district to a national accreditation body does not waive or affect the confidentiality of the information.

(e) The disclosure or making available of confidential information under Subsection (b) or (c) does not waive or affect the confidentiality of the information.

(f) A governmental body subject to Chapter 551 is not required to conduct an open meeting to deliberate information to which this section applies. Notwithstanding Section 551.103(a), the governmental body must make a tape recording of the proceedings of a closed meeting to deliberate the information.

SECTION 4. Section 431.051, Government Code, is amended to read as follows:

Sec. 431.051. SUPPLEMENTAL VOLUNTEER MILITARY FORCES [MILITIA]. To provide mission-ready volunteer military forces [~~militia strength~~] for use by the state in homeland security and community service activities as a supplement to the Texas National Guard, the Texas State Guard exists as part of the state militia under the Second Amendment to the United States Constitution and a defense force under 32 U.S.C. Section 109.

SECTION 5. Section 431.052(b), Government Code, is amended to read as follows:

(b) To volunteer for service in the Texas State Guard a person must:

(1) be a resident of this state for at least 180 days and:

(A) a ~~state~~ citizen of the United States; or

(B) a person who has been lawfully admitted to the United States for permanent residence under the Immigration and Nationality Act (8 U.S.C. Section 1101 et seq.);

(2) be at least 17 years of age;

(3) meet qualifications that the governor prescribes; and

(4) be acceptable to and approved by the governor or adjutant general under the governor's direction.

SECTION 6. Subchapter C, Chapter 662, Government Code, is amended by adding Section 662.050 to read as follows:

Sec. 662.050. TEXAS FIRST RESPONDERS DAY. (a) September 11 is Texas First Responders Day in honor of the bravery, courage, and determination of Texas men and women who assist others in emergencies.

(b) Texas First Responders Day shall be regularly observed by appropriate ceremonies in the public schools and other places to honor Texas first responders.

SECTION 7. Section 81.042(e), Health and Safety Code, is amended to read as follows:

(e) The following persons shall report to the local health authority or the department a suspected case of a reportable disease and all information known concerning the person who has or is suspected of having the disease if a report is not made as required by Subsections (a)–(d):

- (1) a professional registered nurse;
- (2) an administrator or director of a public or private temporary or permanent child-care facility;
- (3) an administrator or director of a nursing home, personal care home, maternity home, adult respite care center, or adult day-care center;
- (4) an administrator of a home health agency;
- (5) an administrator or health official of a public or private institution of higher education;
- (6) an owner or manager of a restaurant, dairy, or other food handling or processing establishment or outlet;
- (7) a superintendent, manager, or health official of a public or private camp, home, or institution;
- (8) a parent, guardian, or householder;
- (9) a health professional; ~~or~~
- (10) an administrator or health official of a penal or correctional institution; or
- (11) *emergency medical service personnel, a peace officer, or a firefighter.*

SECTION 8. Subchapter B, Chapter 562, Occupations Code, is amended by adding Section 562.055 to read as follows:

Sec. 562.055. REPORT TO TEXAS DEPARTMENT OF HEALTH. A pharmacist shall report to the Texas Department of Health any unusual or increased prescription rates, unusual types of prescriptions, or unusual trends in pharmacy visits that may be caused by bioterrorism, epidemic or pandemic disease, or novel and highly fatal infectious agents or biological toxins that might pose a substantial risk of a significant number of human fatalities or incidents of permanent or long-term disability. Prescription-related events that require a report include:

- (1) *an unusual increase in the number of:*
 - (A) *prescriptions to treat respiratory or gastrointestinal complaints or fever;*
 - (B) *prescriptions for antibiotics; and*
 - (C) *requests for information on over-the-counter pharmaceuticals to treat respiratory or gastrointestinal complaints or fever; and*
- (2) *any prescription that treats a disease that is relatively uncommon and has bioterrorism potential.*

SECTION 9. Sections 161.101(a), (b), and (c), Agriculture Code, are amended to read as follows:

(a) A veterinarian, a veterinary diagnostic laboratory, or a person having care, custody, or control of an animal shall report the existence of the following diseases among livestock,

exotic livestock, bison, domestic fowl, or exotic fowl to the commission within 24 hours after diagnosis of the disease:

- (1) anthrax;
- (2) avian infectious laryngotracheitis;
- (3) avian influenza;
- (4) avian tuberculosis;
- (5) chronic wasting disease;
- (6) duck virus enteritis;
- (7) duck virus hepatitis;
- (8) equine encephalomyelitis;
- (9) equine infectious anemia;
- (10) infectious encephalomyelitis in poultry or other fowl;
- (11) ornithosis;
- (12) paramyxovirus infection in poultry or other fowl; or
- (13) scabies in sheep or cattle.

(b) In addition to reporting required by Subsection (a), the commission may adopt rules that require a veterinarian, *a veterinary diagnostic laboratory, or a person having care, custody, or control of an animal* to report the existence of a disease other than bluetongue in an animal to the commission within 24 hours after diagnosis if the disease:

- (1) is recognized by the United States Department of Agriculture as a foreign animal disease;
- (2) is the subject of a cooperative eradication program with the United States Department of Agriculture;
- (3) is named on "List A" of the Office International Des Epizooties; or
- (4) is the subject of a state of emergency, as declared by the governor.

(c) The commission may adopt rules that require a veterinarian, *a veterinary diagnostic laboratory, or a person having care, custody, or control of an animal* to report a disease not covered by Subsection (a) or (b) if the commission determines that action to be necessary for the protection of animal health in this state. The commission shall immediately deliver a copy of a rule adopted under this subsection to the appropriate legislative oversight committees. A rule adopted by the commission under this subsection expires on the first day after the last day of the first regular legislative session that begins after adoption of the rule unless the rule is continued in effect by act of the legislature.

SECTION 10. (a) The governor shall develop a statewide homeland security strategy as required by Section 421.002, Government Code, as added by this Act, not later than September 1, 2004.

(b) The head of each entity listed in Section 421.021, Government Code, as added by this Act, shall appoint a representative to the Critical Infrastructure Protection Council, as required by that section, not later than December 1, 2003.

SECTION 11. (a) It is the intent of the legislature that no provision in this Act should be construed to affect current state or federal law concerning military support to civilian law enforcement personnel in this state and that any military support to civilian law enforcement personnel in this state must be carried out in strict compliance with the constitution, statutes, rules, and regulations of the United States.

(b) Subsection (a) does not affect the civil liability provisions of Subchapter C, Chapter 421, Government Code, as added by this Act.

SECTION 12. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2003.

Passed by the House on April 1, 2003, by a non-record vote; that the House refused to concur in Senate amendments to H.B. No. 9 on May 23, 2003, and requested the appointment of a conference committee to consider the differences between the two houses; the House adopted the conference committee report on H.B. No. 9 on May 31, 2003: Yeas 117, Nays 20, 3 present, not voting; passed by the Senate, with amendments, on May 21, 2003, by a viva-voce vote; at the request of the House, the Senate appointed a conference committee to consider the differences between the two houses; the Senate adopted the conference committee report on H.B. No. 9 on June 1, 2003: Yeas 31, Nays 0.

Approved June 21, 2003.

Effective June 21, 2003.

CHAPTER 1313

H.B. No. 884

AN ACT

relating to alternative dispute resolution statements required in a suit for dissolution of a marriage and a suit affecting the parent-child relationship.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Sections 6.404 and 102.0085, Family Code, are repealed.

SECTION 2. This Act takes effect September 1, 2003, and applies to a suit for dissolution of a marriage or a suit affecting the parent-child relationship filed before, on, or after that date.

Passed by the House on March 28, 2003: Yeas 146, Nays 0, 2 present, not voting; passed by the Senate on May 13, 2003: Yeas 31, Nays 0.

Approved June 22, 2003.

Effective September 1, 2003.

CHAPTER 1314

H.B. No. 1391

AN ACT

relating to the confidentiality of pleadings and protective order applications in certain proceedings in the Family Code.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Subchapter E, Chapter 6, Family Code, is amended by adding Section 6.410 to read as follows:

Sec. 6.410. CONFIDENTIALITY OF PLEADINGS. (a) This section applies only in a county with a population of 3.4 million or more.

(b) Except as otherwise provided by law, all pleadings and other documents filed with the court in a suit for dissolution of a marriage are confidential, are excepted from required public disclosure under Chapter 552, Government Code, and may not be released to a person who is not a party to the suit until after the date of service of citation or the 31st day after the date of filing the suit, whichever date is sooner.

SECTION 2. Subchapter A, Chapter 82, Family Code, is amended by adding Section 82.010 to read as follows:

Sec. 82.010. CONFIDENTIALITY OF APPLICATION. (a) This section applies only in a county with a population of 3.4 million or more.